

WC 16.04.140 Special Exceptions, Requirements and Procedures

- A. The special exceptions listed in Figure 2 and their accessory buildings and uses may be permitted by the Board of Zoning Appeals on the districts indicated therein.
- B. Special exceptions are uses publicly or municipally operated, and those uses traditionally affected with a public interest, and those uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property and public facilities.
- C. Upon receipt of an application for an improvement location permit for a special exception, the Building Commissioner shall refer the application to the Board of Zoning Appeals. A copy of each application shall be referred concurrently to the Plan Commission.
- D. Upon such hearing, if the Board of Zoning Appeals finds that:
 - 1. The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare;
 - 2. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, no substantially diminish and impair property value within the neighborhood;
 - 3. The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - 4. Adequate utilities, streets, drainage and other necessary facilities have been or are being provided;
 - 5. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion; and
 - 6. The special exception will be located in a district where such use is permitted and that all other requirements set forth, applicable to such special exception, will be met;

The Board of Zoning Appeals shall direct the Building Commissioner to issue an improvement location permit for such special exception, otherwise the Board of Zoning Appeals shall direct the Building Commissioner to reject the application. The findings of the Board of Zoning Appeals and its order to the Building Commissioner shall be in writing.

- E. An existing use which is listed herein as a special exception, and which is located in a district in which such special exception may be permitted, is a conforming use,

providing such use meets the minimum lot area requirements set forth in the respective districts. Any expansion of such special exception involving the enlargement of buildings, structures, and land area devoted to such use, shall be subject to the requirements and procedures described in this section.

- F. Any person, to whom is issued an improvement location permit for a special exception who fails to commence construction within 12 months after such permit is issued, or who fails to carry to completion the total development plan thereof within three years after such construction is begun, whichever is later, or who fails to conform to the provisions of the development plan and supporting data finally approved by the Board and upon the basis of which such improvement location permit was issued, may be required by the Board upon its own motion, and shall be required by the Board upon written petition of any person deeming himself aggrieved, to show cause why such approval should not be withdrawn and such improvement location permit revoked.
- G. The holder of an improvement location permit for a special exception may apply to the Board at any time for an alteration, change, amendment or extension of the application or development plan upon which such permit was based.
 - 1. Upon receipt of such application, the Board shall proceed as in the case of original applications for an improvement location permit for a special exception.
 - 2. In the event the Board shall approve and order such application or development plan changes, altered, amended or extended, it shall notify the Building Commissioner who shall issue an amended improvement location permit accordingly.
 - 3. The Board may impose additional requirements or conditions including establishing building setback lines and lot sizes for a special exception use, if, in the Board's judgment, additional requirements or conditions are necessary for the protection of the public health, and for reasons of safety, comfort and convenience.